

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MASSACHUSETTS
Boston Division

Civil Action No.: 04-12535-NMG

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U.S. DISTRICT COURT
EASTERN DISTRICT OF MASSACHUSETTS

ROBERT KILLAY)
Plaintiff,)
vs.)
SPRINGFIELD TERMINAL)
RAILWAY COMPANY and)
BOSTON & MAINE CORPORATION)
Defendants.)

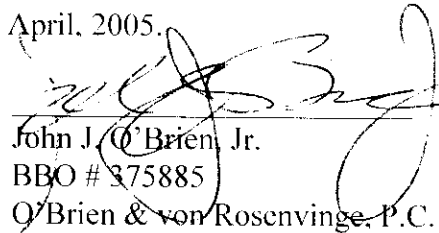
CERTIFICATION IN COMPLIANCE WITH
LOCAL RULE 16.1(D)(3)

I, John J. O'Brien, Jr., under oath hereby depose and state as follows:

1. I am a partner with the law office of O'Brien & von Rosenvinge, P.C. and represent the Defendants, Springfield Terminal Railway Company and B&M Corporation.
2. In anticipation of s scheduling conference, I have conferred with Ms. Cynthia S. Scarano, Vice President of Human Resources - Claims for Springfield Terminal Railway Company and Boston & Maine Corporation, with regard to establishing a budget for the cost of conducting the full course of litigation as well as the various alternative courses of resolution such as Alternative Dispute Resolution and Mediation. The Defendants need to develop further information before it can be decided whether this case is appropriate for settlement, ADR or full litigation.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY

THIS 21st DAY OF April, 2005.


John J. O'Brien, Jr.
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CERTIFICATE OF SERVICE

I, John J. O'Brien, Jr., attorney for the Defendant in the within action, hereby certify that I have this day served a copy of **CERTIFICATION IN COMPLIANCE WITH LOCAL RULE 16.1(D)(3)** by mailing a copy thereof, postage prepaid, to:

Thomas J. Joyce, III, Esq.
Hannon & Joyce
Public Ledger Building, Suite 1000
150 South Independence Mall West
Philadelphia, Pennsylvania 19106-3413

Michael J. McDevitt, Esq.
Lawson & Weitzen, LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02210


John J. O'Brien, Jr.

Dated: April 21, 2005